



rule may be deemed sufficient cause for the denial of a motion or for the granting of a motion by default.").

Accordingly, Defendant's motion to dismiss (dkt. no. 3) is GRANTED without prejudice. The clerk of the Court shall mark this action closed and all pending motions denied as moot.

SO ORDERED:

Dated: New York, New York  
January 13, 2008

  
LORETTA A. PRESKA, U.S.D.J.